Staff Report

RESOLUTION AUTHORIZING THE ADOPTION OF THE DISADVANTAGED BUSINESS ENTERPRISE (DBE) PROGRAM FOR FEDERALLY FUNDED ROADWAY IMPROVEMENTS FOR USE ON U.S. DEPARTMENT OF TRANSPORTATION FUNDED PROJECTS (FEDERAL FISCAL YEAR 2004/2005)

Honorable Mayor and Council Members:

Summary

The Code of Federal Regulation, Title 49, Part 26, requires agencies receiving federal funds to establish and maintain a DBE Program and to publish approved DBE goals in a local, small business or minority newspaper. Caltrans has approved the City of Belmont's Draft DBE Program and the Federal requirements for public notification and comment have been satisfied.

This DBE Program will enable the City to qualify for and receive approximately $133,000 in federal funds over the federal fiscal year 2004/2005. Without a new DBE Program, the City will forfeit this funding opportunity.

It is recommended that the City Council approve the City's Disadvantaged Business Enterprise (DBE) Program for federal fiscal year 2004/2005.

Background

City Council has adopted resolutions authorizing applications for approximately $133,000 of federal funds. The project will install closed circuit television (CCTV) cameras at four signalized intersections on Ralston Avenue between Hiller Street and 6th Avenue; install left turn signal at the Ralston/6th intersection; and upgrade the traffic signal interconnect hardware and software at the traffic operations center. Caltrans is requiring all applicants of federal funds to draft, establish and maintain a new Disadvantaged Business Enterprise (DBE) Program for current and future funding cycles.

Discussion

Caltrans approved the Draft DBE Program on May 26, 2005. An advertisement inviting public comment on the document was published in the Small Business Exchange on May 26, 2005 and the San Mateo County Times on May 31, 2005.

The DBE document has been available per the Code of Federal Regulations. The Code required 30 day review and 15 day comment period made available at the City of Belmont Public Works Offices. Copies of the report were available free of charge and would be mailed to interested parties or individuals. Despite the public outreach measures above, the City did not receive any comments regarding the City's DBE Program.

The City of Belmont's DBE Program will establish a minority and women owned business participation goal of 4% on all Federally Assisted construction projects and Federal Assistance in the event of natural disasters.

Program requirements also include the annual monitoring of the DBE Program participation goal, and re-evaluation of the DBE participation goal percentage. Records will be kept to track and evaluate direct DBE participation, subcontractors' lists, bidder lists, good faith efforts and other factors that may indicate evidence for subsequent adjustment of the DBE participation goal. This information will be made available to Caltrans. Appropriate recommendations may result for City Staff and Caltrans evaluations of this information. Any change to the DBE Program will be returned to the City Council for approval.

Fiscal Impact

There is no fiscal impact of adopting the DBE Program.

Public Contact

Advertisement inviting public comment on the DBE Program document was published in the Small Business Exchange on May 26, 2005 and the San Mateo County Times on May 31, 2005.

Recommendation

It is recommended that the City Council approve the City's Disadvantaged Business Enterprise (DBE) Program by adopting the attached resolution.

Alternatives

1. Refer back to staff for further information.
2. Take No Action.
3. Deny the request.

Attachments

A. Resolution

Respectfully submitted,

Bennett Chun, P.E.   Raymond E. Davis, III, PE, PTOE   Jack Crist
Associate Engineer   Director of Public Works   Interim City Manager
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RESOLUTION NO. ____

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BELMONT AUTHORIZING THE ADOPTION OF THE DISADVANTAGED BUSINESS ENTERPRISE (DBE) PROGRAM FOR FEDERALLY FUNDED ROADWAY IMPROVEMENTS FOR USE ON U.S. DEPARTMENT OF TRANSPORTATION FUNDED PROJECTS (FEDERAL FISCAL YEAR 2004/2005)

WHEREAS, the City of Belmont will receive funds through the U.S. Department of Transportation for certain approved transportation-related projects; and,

WHEREAS, it is the requirement of all recipients of these Federals Funds to promote the utilization of Disadvantaged Business Enterprises; and,

WHEREAS, the City of Belmont invited public comments on the DBE program that was published in the Small Business Exchange on May 26, 2005 and the San Mateo County Times on May 31, 2005; and,

WHEREAS, it is the requirement of all recipients of these Federal Funds to adopt an approved program detailing the setting of goals for utilization of DBE's in federally funded contracts and the inclusion of these goals and other requirements in all such projects; and,

WHEREAS, the City of Belmont has duly fulfilled the State and Federal requirements regarding the establishment of an official program that establishes goals for the utilization of DBE's in federally funded contracts and the inclusion of these goals and other requirements in all such projects.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Belmont:

1. Approves the Disadvantaged Business Enterprise (DBE) Program for Federal Fiscal Year 2004/2005 and its initial participation goal of 4%.

2. Directs the Public Works Department to monitor and evaluate the newly adopted DBE Program goal in accordance with the direction and requirements of the Federal Department of Transportation and its duly authorized agents.

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I hereby certify that the foregoing Resolution was duly and regularly passed and adopted by the City Council of the City of Belmont at a regular meeting thereof held on July 12, 2005 by the following vote:

AYES, COUNCILMEMBER(S): _____

NOES, COUNCILMEMBER(S): _____

ABSTAIN, COUNCILMEMBER(S) _____

ABSENT, COUNCILMEMBER(S): _____

_____
CLERK of the City of Belmont

APPROVED:

_____
MAYOR of the City of Belmont